MBIZANA LOCAL MUNICIPALITY

TERMS OF REFERENCE
NAME OF THE PROJECT: MBIZANA DEVELOPMENT PLAN IMPLEMENTATION ALIGNMENT PROJECT

Issued and Prepared by:
Mbizana Local Municipality
51 Winnie Madikizela Mandela Street
P.O Box 12
Bizana
4800

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Tel: 039 2510 230
Fax: 039 2510 667
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MBIZANA DEVELOPMENT PLAN IMPLEMENTATION ALIGNMENT TERMS OF REFERENCE

1. BACKGROUND AND OVERVIEW OF THE PROJECT

1.1. INTRODUCTION

The Mbizana Local Municipality (MLM) is located in the North-Eastern part of the Eastern Cape Province in the Republic of South Africa, as shown in Figure 1.1 below. The municipality forms part of the Alfred Nzo District Municipality of the Eastern Cape Province’s boundary with the Kwa-Zulu Natal province. The municipality borders the Ingquza Hill, Ntabankulu, Umzimvubu, Umuziwabantu, Ray Nkonyeni local municipalities and the beautiful Indian Ocean. The MLM is constituted of thirty one (31) municipal Wards.

Figure 1: Mbizana in the Alfred Nzo of the Eastern Cape

![Map of Mbizana Local Municipality](image)

The local municipality of Mbizana is faced with a high number of socio-economic challenges. The community is characterized by high poverty and unemployment levels and low education and skills level. Due to low levels of income and job scarcity, the community is struggling to make ends meet and as a result, they are unable to afford the basic services provided at a very low cost to the end consumer, as they also have to travel long distances to acquire essential services.
Amongst some of the critical economic challenges facing the municipality, it has been observed and established through research that there exists an economic leakage which is occurring within the various sectors of the local economy.

The decision to develop the Mbizana Development Plan is attributable to the fact that the Alfred Nzo District and the Eastern Cape Province have developed the District Development Plan and Eastern Cape Provincial Development Plan (EC-PDP), which are aligned to the National Development Plan (NDP), Vision 2030.

The EC-PDP identifies Alfred Nzo as a district with development potential with strong contributions mainly from forestry and livestock production. Mbizana Local Municipality has been identified as a potential growth node, with the development of the Umzimvubu River Basin having great potential to also present opportunities. The NDP is also proposing substantial investment in irrigation infrastructure and agriculture-based enterprise.

It is worth noting that the province has indicated that there needs to be clear plans for its development initiatives; for inclusion in the integrated development plans of municipalities. It is against this background that MLM has planned and budgeted for the development of the Mbizana Development Plan.

1.2 OVERALL AND SPECIFIC OBJECTIVES OF THE PROJECT

1.2.1 Purpose of the Mbizana Development Plan implementation alignment project

The purpose of the project is to improve alignment between the long term plan (MDP), medium term development plan (IDP) and operational plans (Budgets and Annual performance plans). The project shall establish approaches and tools to enhance the exercise of statutory decisions by all the responsible bodies/players (public and private sectors). The project shall also provide recommendations on how to implement the aligned strategic development approaches.

1.2.2 Overall objective

The NDP highlights its overall objective as being the development of an economy that will create more jobs, more inclusive, more dynamic and in which the fruits of growth are shared equitably and poverty is eliminated. The plan envisages an economy that serves the needs of all South Africans and proposes the creation of 11 million jobs by 2030 by means of:

- Realising an environment for sustainable employment and inclusive economic growth;
- Promoting employment in labour-absorbing industries;
- Raising exports and competitiveness;
- Strengthening government’s capacity to give leadership to economic development, and
Mobilising all sectors of society around a national vision

The EC-PDP has identified four catalytic flagships that will establish a sound foundation for other developments to flourish. These catalytic initiatives cut across sectors and integrate the efforts of many role-players. The provincial catalytic flagships include:

- **Ilima Lethu**: an agricultural development initiative that aims to revive the rural economy and encourage other areas of development in the province.
- **Ematholeni (Children first)**: aims to give all children a quality start to development and learning, providing a solid foundation for a future of equal opportunity.
- **Infrastructure**: (Social and Economic Infrastructure) Focusing on the provision and maintenance of infrastructure for spatially equitable social and economic development.
- **Building Human and Institutional Capabilities for Local Development Action**: in keeping with the NDP’s goals and the Back-to-Basics campaign, aims to build human and institutional capabilities for inclusive and meaningful local development action.

The overall objective of the Mbizana Development Plan as well as Alfred Nzo District Development Plan are to stimulate district economic growth and development through the revival of the rural economy, the development of social and economic infrastructure and the development of human capacity which will in turn attract investment and reduce unemployment within Mbizana and the ANDM region.

### 1.2.2 Specific Project Objectives

The specific objectives of the project are as follows:

- To improve alignment of development planning initiatives in an inclusive, equitable, growing and developing economy of Mbizana.
- To recommend approaches and tools necessary to implement coordinated package of changes to achieve the aligned planning approach.
- To promote and recommend alignment approaches of the IDP objectives and strategies to the objectives of the Mbizana Development Plan.

### 2. KEY OUTPUTS/PROJECT MILESTONES/DELIVERABLES

The development and promotion of alignment approaches for the implementation of Mbizana Development Plan (MDP) that is informed by the National Development Plan (NDP), the East Cape Provincial Development Plan (EC-PDP) and the Alfred Nzo District Development Plan.

Key outputs for the Alignment Project include:
An inception report which will serve as project plan for the implementation of the project
Draft the recommended planning approaches and tools that will ensure that the medium term plans (5 years IDP) and annual performance plans are undertaken within the framework of long term plan set out in the Mbizana Development Plan.
Alignment of Planning and Implementation monitoring & evaluation framework
Final Draft Mbizana Development Plan Implementation Alignment approach/ system.

3. ROLE PLAYERS

<table>
<thead>
<tr>
<th>Stakeholder [and as per IDP Representative Forum]</th>
<th>Reason for involvement in the project Proposed responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council</td>
<td>Owner and ultimate decision maker</td>
</tr>
<tr>
<td>Troika</td>
<td>Political Management</td>
</tr>
<tr>
<td>Mayor</td>
<td>Project Champion</td>
</tr>
<tr>
<td>Municipal Manager</td>
<td>Project Management</td>
</tr>
<tr>
<td>Manager: Operations</td>
<td>Project Process Owner</td>
</tr>
<tr>
<td>Service Provider</td>
<td>Project Manager</td>
</tr>
<tr>
<td>Alfred Nzo DM DM</td>
<td>Guidance, technical support &amp; resources</td>
</tr>
<tr>
<td>ECSECC</td>
<td>Technical support</td>
</tr>
<tr>
<td>OTP</td>
<td>Treasury</td>
</tr>
<tr>
<td>Private investors / development players</td>
<td>Supporter &amp; resource</td>
</tr>
<tr>
<td>Traditional leaders</td>
<td>Facilitation support</td>
</tr>
</tbody>
</table>

4. EDUCATION AND CAPACITY BUILDING

The appointed service provider will be required to transfer skills and share knowledge regarding the implementation alignment approaches/ systems recommended during the project execution:

- Training on alignment approaches and systems
- Support institutionalisation of the alignment of plans
- Integration and Monitoring & Evaluation system

5. PROJECT MANAGEMENT

In cases where the appointed service provider appoints the services of other consultants or sub-contractors, the appointed service provider will take responsibility of the work of the sub-contractors. The client will deal with the
contracted service provider and not with sub-contracted consultants. The project is to be coordinated and managed by an operational team led by Mbizana Local Municipality.

5.1 PROJECT IMPLEMENTATION PLAN

The appointed service provider will be required to present a detailed Project Implementation Plan to the Project Manager and the Project Steering Committee as the first task and deliverable at the start of the project.

5.2 PROJECT DELIVERABLES

Three Hard Copy reports and 3 Soft Copies (CD) of the MDP implementation alignment shall be submitted by the Service Provider at the end of the project.

5.3 REPORTING

Service providers shall submit monthly reports to the Project Manager and the Steering Committee within 4 days after the end of each month and at each scheduled project steering committee meeting. A Project Steering Committee meeting shall be scheduled at the end of each phase and any additional meetings shall be agreed upon during the course of the project.

5.4 DURATION

Service providers must complete the project within 4 months from the date of appointment.

5.5 COST AND PAYMENT MILESTONE

The following milestones are proposed:

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Milestone</th>
</tr>
</thead>
<tbody>
<tr>
<td>15%</td>
<td>Pre-planning</td>
</tr>
<tr>
<td>25%</td>
<td>Phase 1 &amp; 2</td>
</tr>
<tr>
<td>30%</td>
<td>Phase 3 &amp; 4 :1st and 2nd draft</td>
</tr>
<tr>
<td>30%</td>
<td>Phase 5 and submission of the Final draft</td>
</tr>
</tbody>
</table>

The Service Providers must include details of cost breakdown on professional fees, Disbursements and VAT. The department will undertake all necessary procurement procedures to award the winning service provider and make payments according to a signed Service Level Agreement.

5.6 SPECIAL CONDITIONS

In the event of a bidder being appointed in term of this invitation to bid, then the following special condition will apply to the contract between the bidder and the client following special condition will apply to the contract between the bidder and the client.

- Certified copies of qualifications and CV’s signed by designated key officials should be attached.
- No replacing of key individuals following the awarding of the contract unless agreed in writing by the municipality.
- The appointed service provider will be required to submit reports to the municipality and attend any meeting related to the project.
• The municipality undertakes to pay on the agreed upon deliverables within (30) days of the approval of such invoices by the project manager.

5.7 EVALUATION CRITERIA

• Bids will be evaluated on an 80/20 point system within the ambit of the Preferential Procurement Regulations, 2001 which is derived from Preference Procurement Policy Framework Act No.5 of 2000 and Municipal Finance Management Act 56 of 2003.
• The evaluation will be carried out in two phases, namely, price and functionality.
• According to the evaluation criteria to be used by the municipality, 60% will be allocated for functionality and 20% for price and 20% for BBBEE contributor level. Weights for functionality in the aforesaid criteria will be valued.
• The minimum qualifying percentage that will be accepted for functionality will be 40%.
• The combined percentages allocated for functionality and price will total up to 80%.

NB: The Municipality will not be obliged to award the bidder with the highest points.

5.8 AWARDING OF POINTS

The following values will apply in the evaluation of all proposals submitted on or before the closing date.

1=Poor, 2=Acceptable, 3=Good, 4=Very Good, 5=Excellent

Points for functionality will be scored according to the underlined criteria and table:

<table>
<thead>
<tr>
<th>CRITERION</th>
<th>WEIGHT</th>
<th>POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Qualifications of personnel involved in the assignment: Senior Degree(s) in Development Planning/Economic Sciences /relevant qualification in the area of development planning studies</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>2. Proven Track Record of conducting similar projects/programmes, at least 2 projects. (appointment letters)</td>
<td>10 (5 points per project)</td>
<td></td>
</tr>
<tr>
<td>3. Accuracy and relevance of methodology i.e. How the project will be carried out showing milestones and timeframes</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>4. Ability to transfer skills( Indicate how skills will be transferred to the internal team)</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>5. Demonstration of knowledge Government development policies, laws and prescripts.</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>60</td>
<td></td>
</tr>
</tbody>
</table>

ENQUIRIES
The service provider can request and obtain the relevant terms of reference from Mbizana Local Municipality at no fee by contacting Ms. S. Majova at 039 2510230 (ext 2195) during office hours and will also be available on E tender portal. For any other information related to this project, please make contacts with the above-mentioned person.

Mbizana Local Municipality
51 Winnie Madikizela Mandela Street
Bizana
4800

______________________
Mr L. Mahlaka
Municipal Manager
C1.1 FORM OF OFFER AND ACCEPTANCE

OFFER

The Employer, identified in the acceptance signature block, has solicited offers to enter into a Contract for the procurement of:

PROFESSIONAL SERVICES: ALIGNMENT OF IMPLEMENTATION OF VISION 2030 (MLDP)

The tenderer, identified in the offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities of the Service Provider under the Contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of Contract identified in the Contract Data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS

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Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the tender schedules as well as any changes to the terms of the offer agreed by the tenderer and the Employer during this process of offer and acceptance, are contained in the schedule of deviations attached to and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in this schedule, which must be signed by the authorised representative(s) of both parties.

The tenderer shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the Employer’s agent (whose details are given in the Contract Data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of Contract identified in the Contract Data. Failure to fulfill any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the tenderer receives one fully completed, signed copy of this document, including the schedule of deviations (if any). Unless the tenderer (now Service Provider) within five working days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding Contract between the parties.

Signature(s): .................................................................
Name(s) ........................................................................
Capacity: MUNICIPALITY MANAGER
FOR MBIZANA LOCAL MUNICIPALITY, 51 MAIN STREET, BIZANA, 4800
(Name and domicilium citandi of organization)

Name and Signature of Witness: ........................................ Date: ........................................

OFFICIAL STAMP:

Schedule of Deviations

Notes:
1. The extent of deviations from the tender documents issues by the Employer before the tender closing date is limited to those permitted in terms of the conditions of tender.
2. A tenderer’s covering letter shall not be included in the final Contract document. Should any matter in such letter, which constitutes a deviation as aforesaid, become the subject of agreements reached during the process of offer and acceptance, the outcome of such agreement shall be recorded here.
3. Any other matter is arising from the process of offer and acceptance either as a confirmation, clarification or change to the tender documents and which it is agreed by the Parties becomes an obligation of the Contract shall also be recorded here.
4. Any change or addition to the tender documents arising from the above agreements and recorded here shall also be incorporated into the final draft of the Contract.

1 Subject ____________________________________________
Details ________________________________________________

2 Subject ____________________________________________
Details ________________________________________________

3 Subject ____________________________________________
Details ________________________________________________
By the duly authorized representatives signing this schedule of deviations, the Employer and the tenderer agree to and accept the foregoing schedule of deviations as the only deviations from and amendments to the documents listed in the tender data and addenda thereto as listed in the tender schedules, as well as any confirmation, clarification or changes to the terms of the offer agreed by the tenderer and the Employer during this process of offer and acceptance.

It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the tender documents and the receipt by the tenderer of a completed signed copy of this Agreement shall have any meaning or effect in the Contract between the parties arising from this agreement.

For the tenderer:

Signature(s): ……………………………………………… Name(s): …………………………………………………….

Capacity: ………………………………………………………………………………………………………………………

FOR TENDERER: …………………………………………………………………………………………………………………

(Name and domicilium citandi of organization)

Name and Signature of Witness: …………………………………………… Date: ……………………………

Signature(s): ……………………………………………

Name(s): ……………………………………………

Capacity: MUNICIPALITY MANAGER

FOR MBIZANA LOCAL MUNICIPALITY, 51 MAIN STREET, BIZANA , 4800

(Name and domicilium citandi of organization)

Name and Signature of Witness: ………………………………………… Date: ……………………………
PART A

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE *(NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)*

<table>
<thead>
<tr>
<th>BID NUMBER:</th>
<th>CLOSING DATE:</th>
<th>CLOSING TIME:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

DESCRIPTION

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

<table>
<thead>
<tr>
<th>SUPPLIER INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME OF BIDDER</td>
</tr>
<tr>
<td>POSTAL ADDRESS</td>
</tr>
<tr>
<td>STREET ADDRESS</td>
</tr>
<tr>
<td>TELEPHONE NUMBER</td>
</tr>
<tr>
<td>CODE</td>
</tr>
<tr>
<td>NUMBER</td>
</tr>
<tr>
<td>CELLPHONE NUMBER</td>
</tr>
<tr>
<td>CODE</td>
</tr>
<tr>
<td>NUMBER</td>
</tr>
<tr>
<td>FACSIMILE NUMBER</td>
</tr>
<tr>
<td>CODE</td>
</tr>
<tr>
<td>NUMBER</td>
</tr>
<tr>
<td>E-MAIL ADDRESS</td>
</tr>
<tr>
<td>TAX REGISTRATION NUMBER</td>
</tr>
<tr>
<td>B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE OR CSD No:</td>
</tr>
<tr>
<td>[TICK APPLICABLE BOX]</td>
</tr>
<tr>
<td>☐ Yes</td>
</tr>
<tr>
<td>☐ No</td>
</tr>
<tr>
<td>B-BBEE STATUS LEVEL SWORN AFFIDAVIT ☐ Yes ☐ No</td>
</tr>
<tr>
<td>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSES) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</td>
</tr>
</tbody>
</table>

| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? |
| ☐ Yes ☐ No [IF YES ENCLOSE PROOF] |
| ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? ☐ Yes ☐ No [IF YES, ANSWER PART B:3 ] |

<table>
<thead>
<tr>
<th>TOTAL NUMBER OF ITEMS OFFERED</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL BID PRICE R</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SIGNATURE OF BIDDER</th>
<th>DATE</th>
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</table>

| CAPACITY UNDER WHICH THIS BID IS SIGNED |

| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: |
| TECHNICAL INFORMATION MAY BE DIRECTED TO: |
| DEPARTMENT | CONTACT PERSON |
| CONTACT PERSON | TELEPHONE NUMBER |
| TELEPHONE NUMBER | FACSIMILE NUMBER |
| FACSIMILE NUMBER | E-MAIL ADDRESS |
| E-MAIL ADDRESS | |

PART B
TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
   1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
   1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED—(NOT TO BE RE-TYPED) OR ONLINE
   1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS
   2.1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
   2.2. BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER’S PROFILE AND TAX STATUS.
   2.3. APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
   2.4. FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
   2.5. BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
   2.6. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
   2.7. WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
   3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? □ YES □ NO
   3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? □ YES □ NO
   3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? □ YES □ NO
   3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? □ YES □ NO
   3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? □ YES □ NO

IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID. NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.

SIGNATURE OF BIDDER: ..........................................................
CAPACITY UNDER WHICH THIS BID IS SIGNED: ..............................
DATE: .................................
MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state.

2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Full Name: .................................................................

3.2 Identity Number: ..........................................................

3.3 Company Registration Number: ...................................

3.4 Tax Reference Number: ..............................................
3.5 VAT Registration Number: .................................................................

3.6 Are you presently in the service of the state∗

YES / NO

3.6.1 If so, furnish particulars.

...........................................................................................................

...........................................................................................................

3.7 Have you been in the service of the state for the past twelve months?

YES / NO

3.7.1 If so, furnish particulars.

...........................................................................................................

.......................................................... YES/NO

..........................................................

∗ MSCM Regulations: “in the service of the state” means to be –

(a) a member of –

(i) any municipal council;

(ii) any provincial legislature; or

(iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

(e) a member of the accounting authority of any national or provincial public entity; or

(f) an employee of Parliament or a provincial legislature.
3.8 Do you, have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?

3.8.1 If so, furnish particulars.

.......................................................... YES/NO

..........................................................

3.9 Are you, aware of any relationship (family, friend, other) between a bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?

3.9.1 If so, furnish particulars

.......................................................... YES/NO

..........................................................
3.10  Are any of the company’s directors, managers, principle shareholders or stakeholders in service of the state?  
YES / NO

3.10.1 If so, furnish particulars.

.................................................................

.................................................................

3.11  Are any spouse, child or parent of the company’s directors, managers, principle shareholders or stakeholders in service of the state?  
YES / NO

3.11.1 If so, furnish particulars.

.................................................................

.................................................................

6. CERTIFICATION

I, THE UNDERSIGNED (NAME) .................................................................

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE MUNICIPALITY MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.................................................................

Signature ................................................................. Date

.................................................................

.................................................................

................................. Position ........................................ Name of Bidder

MBD 6.4
PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2001

LOCAL CONTENT OF PRODUCTS

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES SPECIFIED IN CLAIM FORM MBD 6.1 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2001

1. Regulation 12(1) of the Preferential Procurement Regulations makes provision for the promotion of locally manufactured products within the preference point systems.

   SPECIFIC GOAL
   ALLOCATED

   The stimulation of the S.A economy by procuring locally Manufactured products.

   .................................................................

2. Preference points may only be claimed for products, which will be manufactured (fabricated, processed or assembled), in the Republic of South Africa. In cases where production has not yet commenced at time of bid closure, evidence shall be produced that at the time of bid closure, the bidder was irrevocably committed to local production of the product.

3. “Local content” means that portion of the bid price, excluding Value Added Tax (VAT), which is not included in imported content, provided that local manufacture does take place.

4. “Imported content” means that portion of the bid price represented by the costs of components, parts or materials which have been or are still to be imported (whether by the bidder or his suppliers or sub-contractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs such as landing costs, dock dues, import duties, sales duties, or other similar taxes or duties at the South African place of entry as well as transportation and handling charges to the factory in the Republic where the supplies for which a bid has been submitted are manufactured.

5. BID INFORMATION

   Bidders who wish to claim points in respect of this goal must furnish the information in paragraph 7 below.

6. POINTS CLAIMED

   Indicate whether point(s) allocated for this goal is (are) claimed. Yes / No

7. INFORMATION WITH REGARD TO LOCAL MANUFACTURE
Indicate in the table below which product(s) [item number(s)] is/are manufactured locally against the % local content of each product / item in relation to the bid price (exclusive of VAT). Points claimed must be indicated in the “points claimed” column.

<table>
<thead>
<tr>
<th>Percentage local content in relation to bid Price</th>
<th>Indicate item numbers</th>
<th>Points Allocated</th>
<th>Points Claimed</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 % - 30 %</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31 % - 60 %</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>61 % or more</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8. **BID DECLARATION**

I/we, the undersigned, who warrants that he/she is duly authorised to do so on behalf of the firm declare that points claimed, based on the local content of the product(s) above, qualifies the firm for the point(s) shown and I / we acknowledge that:

(i) The information furnished is true and correct.

(ii) In the event of a contract being awarded as a result of points claimed, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct.

(iii) If the claims are found to be incorrect, the purchaser, in addition to any other remedy it may have -

(a) recover all costs, losses or damages it has incurred or suffered as a result of that person’s conduct; and

(b) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

WITNESSES:

1. ..................................................................  
   ..................................................................
   ..................................................................
   .................................................................
   SIGNATURE (S) OF BIDDER

2. ..................................................................  DATE: ............................................
7. **DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

1. This Municipal Bidding Document must form part of all bids invited.

2. It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

3. The bid of any bidder may be rejected if that bidder, or any of its directors have:
   
   a. abused the municipality’s / municipal entity’s supply chain management system or committed any improper conduct in relation to such system;
   
   b. been convicted for fraud or corruption during the past five years;
   
   c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
   
   d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

4. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

<table>
<thead>
<tr>
<th>Item</th>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Is the bidder or any of its directors listed on the National Treasury’s database as a company or person prohibited from doing business with the public sector?</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the *audire alteram partem* rule was applied).

| 4.1.1 | If so, furnish particulars: |
|       |                         |
|       |                         |
|       |                         |
| 4.2  | Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? | Yes | No |

(To access this Register enter the National Treasury’s website, [www.treasury.gov.za](http://www.treasury.gov.za), click on the icon “Register for Tender Defaulters” or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).
### 4.2.1
If so, furnish particulars:

### 4.3
Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 4.3.1
If so, furnish particulars:

### 4.4
Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 4.4.1
If so, furnish particulars:

### 4.5
Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 4.7.1
If so, furnish particulars:

---

**CERTIFICATION**

I, THE UNDERSIGNED (FULL NAME) ............................................................

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.
1 This Municipal Bidding Document (MBD) must form part of all bids' invited.

2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between
parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).\textsuperscript{2} Collusive bidding is a \emph{pe se} prohibition meaning that it cannot be justified under any grounds.

Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:

a. take all reasonable steps to prevent such abuse;

b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and

c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

\textsuperscript{1} Includes price quotations, advertised competitive bids, limited bids and proposals.

\textsuperscript{2} Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

________________________________________________________________________

(Bid Number and Description)

in response to the invitation for the bid made by:

________________________________________________________________________
do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of:_______________________________________________________that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

   (a) has been requested to submit a bid in response to this bid invitation;
   (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
   (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

   (a) prices;
   (b) geographical area where product or service will be rendered (market allocation)
   (c) methods, factors or formulas used to calculate prices;
   (d) the intention or decision to submit or not to submit, a bid;

    MBD 9
(e) the submission of a bid which does not meet the specifications and conditions of the bid; or
(f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

MBD 9

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

........................................................................................................................................
Signature .................................................................................................................. Date
........................................................................................................................................
Position .................................................................................................................. Name of Bidder